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HORIZON LINES, LLC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ABDUL RAHMAN ABOOBAKER ) Case No.  
MUNASSAR ) C 05-4350 JL  
Plaintiff,  
vs.  
HORIZON LINES, Inc. ) STIPULATION AND ~~proposed~~ ORDER TO  
Defendants. ) EXTEND TIME TO COMPLETE EARLY  
                         ) NEUTRAL EVALUATION.

WHEREAS this subject action involves a merchant mariner's claims for personal injury related damages and is set for trial to commence on November 13, 2006, and

WHEREAS, the plaintiff has and continues to reside in Yemen and has neither been deposed by the defendant nor examined by a medical expert designated by the defendant; further, other witnesses are seafarers and need to be deposed when such are available to do so, and

WHEREAS, plaintiff has served records of his medical treatment in California and in Yemen, and

WHEREAS, the parties respectfully contend that there exists Good Cause to continue the deadline for conducting an ENE from May 23, 2006 and that it would be in the interests of justice and judicial economy to do so (F.R.Civ.P. 1); and

1 WHEREAS, the Early Neutral Evaluator assigned to this action concurs in the  
2 efficiency to be gained by continuing the deadline to complete ENE,

3 NOW, THEREFORE, the parties stipulate, by and through their respective  
4 attorneys of record authorized to do so, that the Honorable Court may enter its Order  
5 Extending the date to Complete ENE as appears below, and the parties respectfully  
6 request that this Honorable Court issue such an order.

7 DATED: May 18, 2006 SO STIPULATED,  
8 s/ Arnold Berschler  
9 Arnold I. Berschler, attorney for  
ABDULRAHMAN ABOOBAKER MUNASSAR

10  
11 DATED: May 18, 2006 SO STIPULATED,  
12 s/ Harvey I. Wittenberg  
13 Harvey I. Wittenberg attorney for  
HORIZON LINES, INC.

14  
15 ORDER EXTENDING THE DATE TO COMPLETE ENE

16 Upon review of the foregoing Stipulation and Good Cause and the interests of  
17 justice otherwise appearing,

18 IT IS ORDERED THAT the deadline to compete the Early Neutral Evaluation in  
the action is extended to August 11, 2006.

19 DATED: 5/22/06

